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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,459	01/22/2002	Hans Beer	2265/50685	6980
23911 7590 05/30/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER ALEXANDER, LYLE	
			ART UNIT 1743	PAPER NUMBER
			MAIL DATE 05/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/051,459	<b>Applicant(s)</b> BEER ET AL.	
	<b>Examiner</b> Lyle A. Alexander	<b>Art Unit</b> 1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beer et al.

See the appropriate paragraph of the 11/10/05 final rejection for the teachings of Beer et al.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beer et al. alone or further in view of Hasebe et al. (USP 5,826,129) or .

See Beer et al. supra.

Beer et al. are silent to the claimed steps of brushing and rinsing.

It is notoriously well known in the art to rinse a surface after it has been brushed to remove any loosened particles. It would have been within the skill of the art to modify Beer et al. and rinse the surface after brushing to remove any loosened particles.

Hasebe et al. teach in column 1 lines 13-37 that silicone wafer surfaces are first brushed and sprayed with a jet of water to remove impurities. This process is desirable because it decrease the possibility of the removed contaminants becoming airborne, removes loosened contaminants that may be statically charged sticking to the substrate and concentrates the contaminants in the aqueous solution for easier disposal.

It would have been within the skill of the art to modify Beer et al. in view of Hasebe et al. and brush and wash the substrate to gain the above advantages.

***Oath/Declaration***

Applicant's 9/28/06 37 CFR 1.132 Declaration has been considered but was not convincing. A convincing Declaration must be commensurate in scope with the claimed subject matter. Claim 1 paragraph (a) "preparing a feedstock membrane form a cellulose membrane casting solution by phase inversion in an evaporation process" has not been taught in the 9/28/06 Declaration. Additionally, claim 1 paragraph (b) "prior to drying .... removing filter dust impurities..." is claimed but the Declaration teaches removal of the dust by mechanical brushing while rinsing with water. Finally, the Declaration states the membrane is impregnated with sodium alkyl sulfonate. A cursory review of the specification did not find a teaching of sodium alky sulfonate. The claims should be amended to recite the same process of removing the dust as set forth by the Declaration. This is essential, because the results demonstrate by the Declaration are only for the taught conditions and may not be valid for other methods of removing filter dust impurities.

***Response to Arguments***

Applicant's arguments filed 3/9/07 have been fully considered but they are not persuasive.

Applicant's state the 9/28/06 37 CFR 1.132 Declaration shows the unexpected results of the instant invention. The Office does not believe the Declaration is commensurate in scope with the pending claims and is not deemed convincing. See the above specific remarks.

Applicant's states one having ordinary skill in the art would have recognized "casting dope" is the same process as that claimed. Applicants should submit timely corroborating evidence such as a text book or article equating "casting dope" with the claimed "phase inversion".

Applicant's state the instant invention distinguishes over the cited prior art by either mechanical brushing alone or in combination with rinsing of the membrane. The Office maintains that in the absence of a showing of unexpected results, one having ordinary skill in the art would have expected similar results from well-known brushing/rinsing methods.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lyle A. Alexander whose telephone number is 571-272-1254. The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lyle A Alexander  
Primary Examiner  
Art Unit 1743

A handwritten signature in black ink, appearing to be 'Lyle A. Alexander', written in a cursive style.